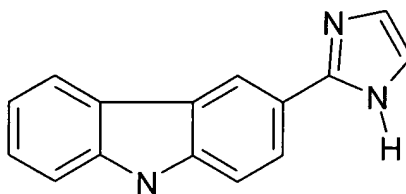


Remarks

Claims 1-9 are pending in the application. Applicant would like to remind Examiner that Applicant provisionally elected 3-(4,5-dimethyl-1H-imidazol-2-yl)-9-ethyl-9H-carbazole (4A) as a "single species" which is not a restriction but an election of a single species. Examiner appears to be restricting the claims to this single compound. Applicant respectfully submits that this compound represents only a single species within a genus of compounds and that Examiner, having found the elected compound species free of the prior art, is obligated to continue searching all the members of the Markush group in the claim on the merits to determine patentability of the genus claim until a species is found to be anticipated or obvious. (See, MPEP 803.02) Each of the compounds are linked through a common core having the following structure:



The groups, R¹, R² and R³, attached to the core are simply substituents and therefore would add no additional burden on the Examiner to search. Hence, Applicants respectfully submit that the restriction to a single compound is a gross error and would cost Applicant hundreds of thousands of dollars to pursue the remaining species which is absolutely reprehensible for such a small genus of compounds.

Respectfully Submitted:

Date:

February 3, 2005

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